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SUBJECT: ICRC FINDS EXCESSIVE FORCE USED IN KETZIOT PRISON RIOT

REF: A. JERUSALEM 2245

1B. JERUSALEM 2205

Classified By: Ambassador Richard H. Jones for reasons 1.4 (b) & (d)

11. (C) SUMMARY. ICRC Deputy Head of Delegation Paul Conneally briefed poloff on the ICRC's preliminary findings following a visit to the Ketziot prison to investigate the circumstances of the October 22 riot among Palestinian prisoners (reftels). According to Conneally, the ICRC team found that prison officials behaved in an unnecessarily aggressive way during a surprise search of the prison, and then reacted to the prisoners' resistance with "excessive force." One Palestinian prisoner was killed, apparently by a live bullet to the back of the head, and at least 15 others were seriously wounded, mostly by close-up use of rubber bullets, bean bag rounds and concussion grenades. Prisoners told the ICRC investigators that some of them were shot at close range while already handcuffed or while lying in their beds. A larger ICRC team is conducting a more detailed investigation at Ketziot November 13-16, and will present its formal conclusions confidentially to the Israel Prison Service (IPS). Conneally said the IPS was conducting its own internal investigation, which he thought would be objective and thorough. He expressed concern, however, at what the ICRC saw as negative trends in the overall treatment of Palestinian prisoners during the past few months. END SUMMARY.

Excessive Force Used to Quell Riot

12. (C) Conneally said a team of 4-5 ICRC detention specialists, including one medical doctor, visited the Ketziot prison on October 25 to examine the circumstances surrounding the October 22 riot that left one Palestinian prisoner dead and many others wounded. During the visit, team members toured the facility and interviewed most of the Palestinian prisoners involved in or affected by the riot, plus prison medical personnel. He noted that all of the prisoners told the same story during their ICRC interviews, including those who have been isolated from other prisoners since the riot occurred. The ICRC delegates were unable to get a clear picture of the IPS perspective, however, since the warden refused to meet with them and prison guards generally shied away from any substantive discussions.

13. (C) The ICRC's preliminary findings -- derived mostly from cross-referencing the testimonies of different prisoners and medical officials -- indicate that the Israel Prison Service (IPS) contributed to the onset of violence by using provocative and atypical methods during a prison-wide search, and then using excessive force to quell the resulting riot. According to Conneally, the IPS used its elite Mattzada hostage rescue and tactical assault unit to initiate a

surprise search of cells at approximately 0200 on October 22.

Conneally was not aware of any other occasion when the Matzada unit was used to conduct what are normally routine searches by regular prison guards. Conneally also noted that the IPS seemed to have anticipated the possibility of violence, as it took what he said was the unusual step of calling in extra guards and medical personnel to be on stand-by during the search. Conneally stressed that IPS searches are routine and almost always non-violent; most prisoners accept them as a normal part of prison life, and the IPS usually conducts them in effective but respectful and non-provocative way. The October 22 incident appeared to be outside the bounds of routine IPS activity, he said.

¶4. (C) According to the ICRC's preliminary investigation, prisoners immediately started protesting once the Matzada unit began raiding cells. The Matzada unit, backed by regular IPS guards and police officers, reacted to the prisoners' protests by increasing their use of force. The situation escalated, and at some point, Conneally said, the IPS crossed the line between authorized crowd control measures and excessive force. In the resulting violence, one Palestinian prisoner was killed and numerous others were wounded. IPS doctors told the ICRC that 20-30 prisoners were wounded, while the PA Minister for Prisoner Affairs claimed 250 casualties, according to Conneally. (Note: Conneally did not have data on the number or type of IPS injuries, but said they were less severe than Palestinian injuries and would be tallied for the final report.)

¶5. (C) Conneally reported that Norwegian and Palestinian Authority (PA) doctors conducted a joint autopsy of the single fatality shortly after the incident, and that their preliminary conclusion was that the man (identified in ref. B as PIJ member Muhammad al-Ashqar) was shot in the back of the

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head by a live bullet. The ICRC also found that many of the injuries sustained during the riot appeared to have been caused by the close-up use of force-control weapons -- such as rubber bullets, bean bag rounds, and concussion grenades -- intended only for long-distance engagement. Security forces may also have violated regulations by firing on prisoners who had already been shackled and/or were locked in their cells, Conneally said. He added that several were apparently shot while trying to mediate an end to the violence, or while lying in their beds in an attempt to avoid the confrontation. The ICRC doctor who participated in the October 25 visit reported that he met with 15 wounded prisoners, all of whom sustained serious injuries consistent with wounds sustained from being shot by rubber bullets or bean bag rounds at close range. The prisoners reported that security forces fired on them from distances of as close as one meter. In one case, according to prisoner testimonies, a prisoner was shot while handcuffed and lying face-down on the ground by a prison guard standing directly over him.

ICRC Expects Thorough and Objective Internal Investigation

¶6. (C) Conneally said the ICRC would send another team to Ketziot November 13-16 to conduct a full facility assessment as part of a comprehensive report on the October 22 riot to be presented confidentially to the IPS, along with recommendations for remedial action. Conneally said the IPS was also conducting its own internal investigation, which he thought would be objective and thorough. He stressed that the IPS was generally a cooperative partner for the ICRC, and had been committed in recent years to openness and internal reform. Conneally was hopeful that the IPS would take steps to remedy whatever problems emerged from the ICRC and IPS investigations.

But Concerned about New Restrictions on Palestinian Prisoners

17. (C) While characterizing the IPS as a professional organization that generally sought to uphold high standards of detention, Conneally also pointed out what he saw as a troubling recent trend in the collective treatment of Palestinian prisoners. In the past six months, he said, the IPS has been steadily increasing the number and severity of restrictions placed on Palestinian prisoners. For example, the IPS, citing concerns about cheating, prevented minor detainees from taking their high school matriculation exams this year. The IPS also started requiring each prisoner to have only a single and unique source for receiving "canteen" money from outside (i.e. each prisoner is allowed only one benefactor, and each benefactor may provide money to only one prisoner, meaning, for example, that a parent with two children in jail can no longer send money to both, but must choose only one). During the recent Ramadan holiday, the IPS also refused -- for the first time in twenty years -- to allow the ICRC to deliver PA-supplied sweets to prisoners. Additionally, since April the GOI has denied all "special" permit requests for prison visits, leading to a backlog of 15,000 stalled permit applications (Note: "Special" permits are required for all father-son prison visits, as well as for all visitors with a "security file" or family members who wish to visit prisoners defined as having a high security value.) Conneally described these measures, plus increasing disruptions in the ICRC-administered family visit program (which has been suspended indefinitely for Gaza residents and seriously restricted for West Bank residents), as very damaging to the morale of Palestinian prisoners and their families. The ICRC was not sure why the IPS was tightening its restrictions on Palestinian prisoners, but suspected it had to do with an overall increase in security measures relating to all Palestinians since the Hamas takeover of the Gaza Strip in June. He also noted that the new IPS Commissioner, Benny Kanyak, had only recently assumed his post and might be cracking down as part of an IPS policy shift on Palestinian prisoners.

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JONES